REMARKS

Reconsideration and allowance of claims 1-8 are respectfully requested in view of the following remarks. Claims 1-8 are all the claims pending in the application. By this Amendment, Applicant amends claims 1-2, 6 and 8. No new matter is added. Support for the amendments can be found, *e.g.,* at pages 10-11 of the specification as filed.

I.   Preliminary Matters

The Examiner did not indicate that the drawings filed on February 25, 2004 are accepted. Therefore, Applicant respectfully requests the Examiner to check the appropriate box on the form PTO-326 indicating that the drawings are accepted in the next action.

II.   Claim Objections

The Examiner objected to claims 2 and 6 because of minor informalities. Applicant amends claims 2 and 6 as proposed by the Examiner. Accordingly, Applicant respectfully requests the Examiner to withdrawn the objection to claims 2 and 6.

III.   Rejections Under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 3-5 and 7 are rejected as failing to define the invention in the manner required by 35 U.S.C. § 112, second paragraph. *See* page 2 of the Office Action.

Applicant respectfully requests the Examiner to withdraw the rejections in view of the self-explanatory claim amendments being made herein.

IV.   Rejections Under 35 U.S.C. § 103(a)

Claims 1-6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,751,660 to Mansingh et al. (hereinafter " Mansingh ") in view of U.S. Patent No.

7,043,633 to Fink et al. (hereinafter "Fink"). Claim 7 is rejected under 35 U.S.C. § 103(a) as

being unpatentable over Mansingh and Fink in view of U.S. Patent No. 7,126,941 to Clemm et

al. (hereinafter "Clemm"). Applicant respectfully traverses the rejections because the references

fail to teach or suggest all of the elements as set forth and arranged in the claims.

> Mansingh does not disclose or suggest:

>> a module to filter protocol frames of a predefined protocol type **in
>> the dedicated packet-switched data network** by which said
>> network controllers advertise a network topology and **status of the
>> automatically switched optical transport network; and**
>> a module to **extract from** the filtered protocol **frames transmitted
>> in the dedicated packet-switched data network information
>> about the network topology and status of the automatically
>> switched optical transport network** and display the network
>> topology and status information of the automatically switched
>> optical transport network graphically to a user (emphasis added),

as recited in claim 1 and similarly recited in claim 8. In Mansingh, "[a] network management

system (NMS) queries network elements (NEs) and receives information on cross connects set

up at the NEs and other circuit information." *See* Abstract.

> Specifically,

>> [w]hen **NEs receive . . . commands**, the NEs **automatically
>> configure themselves** to provide appropriate cross connects. In
>> some embodiments, the **SONET network 110 transfers
>> management information via out-of-band SONET section DCC
>> channels** which are part of the SONET section overhead. . . . The
>> **management information can also be transferred via** non-
>> SONET out-of-band control channels, e.g. via **Ethernet.** . . . the
>> [network management system] **NMS queries the NEs** 120 **for the
>> state of their cross connects** and/or for circuit information that
>> may be stored at the NEs (emphasis added).

See col. 3, lines 48-58 and col. 4, lines 3-6. In other words, Mansingh teaches a network

management system that queries information stored in data bases of different nodes. Thus, the

data is not directly obtained from the data traffic on the network but indirectly from a database

that is created by a software program that controls the network connections of the network

elements. In fact, the information about the network that is used by the network management

system depends from the correct operation of such a software program. This is important,

because it is at least possible that, although the NE correctly manages cross connects, the circuit

information stored at the NEs does not match to the actual network configuration due to a failure

of the software program that stores the data.

Fink teaches "network-level 'sniffers' to passively monitor freely transmitted network

traffic and thereby gather critical network topology information," thereby avoiding the above

noted disadvantages of Mansingh. *See* col. 2, lines 37-40. Thus, to get information about the

status and topology of the network, Fink collects real time packet data containing the respective

real time information that is used in the process of managing the network. However, in Fink, the

control information is transmitted via the same network which it is controlling.

By contrast, according to claims 1 and 8, protocol frames of a predefined protocol type

transmitted in a dedicated packet-switched data network contain information about a network

topology and status of an automatically switched optical transport network. Information about

the network topology and status of the automatically switched optical transport network that is

transmitted in the dedicated packet-switched data network is extracted to display the network

topology and status information of the automatically switched optical transport network

graphically to a user, as recited in claims 1 and 8.

Thus, the combined teachings of Mansingh and Fink do not teach this unique feature of

claims 1 and 8. Although it is known in the art that information about a network can be obtained

by filtering packets that are transmitted via the respective network, it is a completely different

concept to filter packets that are transmitted via a first network in order to obtain information about a distinct second network.

Even if one of ordinary skill in the art would combine Mansingh and Fink, the sniffer would monitor the traffic on the optical transport network to extract topology information about this same optical transport network, and therefore would not monitor a dedicated packet network to extract topology information about a physically distinct optical network as required by the claimed invention.

The Examiner contends that the teaching of Fink can be applied to any type of networks to collect information transmitting in the network. *See* page 7 of the Office Action. Applicant respectfully disagrees with the Examiner's position.

Such a sniffer would need to be able to extract data about the topology of an automatically switched optical transport network from packets transmitted via a dedicated packet-switched data network. In particular, the data containing information about the topology of a automatically switched optical transport network is transmitted as payload data in the packets of a dedicated packet-switched data network. There is no reason why one skilled in the art would use Fink for passively monitoring traffic on a dedicated packet-switched data network and decode payload data in order to get information about an automatically switched optical transport network, as claimed in claims 1 and 8.

By contrast, instead of analyzing the payload of the data packets transmitted via the network, Fink is concerned with securing packet header information and more specifically, with translating predetermined portions of the packet header information. *See* col. 3, lines 58-63.

Consequently, neither Mansingh nor Fink, either in combination or alone, teach the above noted unique features of claims 1 and 8. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 8 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Clemm does not remedy the deficient disclosures of Mansingh and Fink and claims 2-7 are thus patentable at least by virtue of their dependencies from claim 1.

V.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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